HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.8213 of 1999

Dated 4th day of April, 2007

Between:

Tupakula Kurmanna .. Petitioner

And

The Joint Collector, Mahaboobnagar District and three others .. Respondents

O R D E R:

This writ petition is filed to quash the order, dated 8.3.1999 passed by the 1st respondent.

The case of the petitioner is that he purchased an extent of Ac.02.21 guntas of land in various survey numbers situated in Dharmapoor village, Mahaboobnagar District by virtue of a registered sale deed dated 8.12.1994, and on an application filed by him, his name was also entered into the revenue records and mutation also took place on 20.7.1994. Now, his grievance is that at the instance of the 4th respondent, the 2nd respondent-Revenue Divisional Officer, neither issuing any notice to him nor affording any opportunity to put forth his version, passed an order dated 6.11.1997 behind the back of the petitioner cancelling the entries made in the revenue records. Against this order, the petitioner preferred a revision before the 1st respondent, who, without applying his mind, passed the impugned order, dated 8.3.1999 confirming the order of the 2nd respondent.

In spite of the fact that notices were served on the respondents, they have not chosen to file counter affidavit.

From a perusal of the impugned order, it is clear that no mention is made with regard to issuance of notice by the authority before passing the order directing cancellation of entries made in revenue records, which are maintained under the Record of Rights Act. Hence, this Court is of the view that the order impugned is clearly in violation of the principles of natural justice and is liable to be set aside.

In the result, the writ petition is allowed and the order dated 8.3.1999 passed by the 1st respondent is set aside and the matter is remanded to him for fresh enquiry and disposal in accordance with law. Having regard to the fact that this Court, while ordering Rule Nisi,

directed the 3rd respondent to continue the name of the petitioner in the revenue records, the entries shall not be altered during the pendency of the enquiry. No costs.

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04.04.2007

bcj